

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOSHUA LANDERS,

:

Petitioner,

v.

:

Case No. 3:18-cv-175

NORM ROBINSON, Warden,
London Correctional Institution,

JUDGE WALTER H. RICE

:

Respondent.

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S SUBSTITUTED REPORT AND RECOMMENDATIONS (DOC.
#28) AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS
(DOC. #33); OVERRULING PETITIONER'S OBJECTIONS THERETO
(DOCS. ##31, 36); DISMISSING PETITION UNDER 28 U.S.C.
§ 2254 FOR WRIT OF HABEAS CORPUS (DOC. #1) WITH
PREJUDICE; JUDGMENT TO ENTER IN FAVOR OF RESPONDENT
AND AGAINST PETITIONER; DENYING CERTIFICATE OF
APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*;
TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States
Magistrate Judge Michael R. Merz in his Substituted Report and Recommendations,
Doc. #28, and his Supplemental Report and Recommendations, Doc. #33, as well
as upon a thorough *de novo* review of this Court's file and the applicable law, the
Court ADOPTS said judicial filings in their entirety.

Petitioner's Objections to the Substituted Report and Recommendations,
Doc. #31, are OVERRULED for the reasons set forth in the Supplemental Report
and Recommendations, Doc. #33. Petitioner's Objections to the Supplemental

Report and Recommendations, Doc. #36, simply re-hash his earlier Objections and are OVERRULED as meritless for the reasons already thoroughly explained by Magistrate Judge Merz.

The Court DISMISSES the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus, Doc. #1, WITH PREJUDICE.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: March 3, 2019



WALTER H. RICE
UNITED STATES DISTRICT JUDGE